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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

PETER JEREMY DIRKSEN,

Defendant and Appellant.

2d Crim. No. B292501
(Cons. w/ No. B292502)
(Super. Ct. Nos. 2017031326
& 2017037280)
(Ventura County)

Peter Jeremy Dirksen appeals from the judgment after he pled guilty to second degree murder (Pen. Code,¹ §§ 187, subd. (a), 189, subd. (b)) and assault with force likely to cause great bodily injury (§ 245, subd. (a)(4)), and admitted an allegation that he inflicted great bodily injury when he assaulted his victim (§ 12022.7, subd. (a)). Dirksen also admitted allegations that he suffered a prior strike conviction (§§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d)) and prior serious felony conviction (§ 667, subd. (a)), and that he served a prior prison

¹ All further statutory references are to the Penal Code.

term (§ 667.5, subd. (b)). The trial court sentenced him to 23 years to life in state prison.

Dirksen suffocated a woman in a Port Hueneme motel. While awaiting trial on his murder charge, he hit his cell mate and fractured his cheekbone.

Dirksen pled guilty to murder and assault in exchange for a negotiated sentence of 23 years to life in prison. Prior to sentencing, Dirksen moved to withdraw his plea. He claimed he wanted to plead no contest rather than guilty, and that counsel lied to him about the amount of time he would spend in prison as a result of his plea. The trial court appointed conflict counsel to investigate Dirksen's request. Counsel determined there were no grounds to withdraw the plea. The court denied Dirksen's motion.

We appointed counsel to represent Dirksen in this appeal. After counsel examined the record, he filed an opening brief that raises no arguable issues.

In a supplemental brief, Dirksen contends he should be allowed to withdraw his plea because trial counsel provided ineffective assistance when he: (1) lied about the amount of time Dirksen would serve in prison, (2) did not fully investigate the charges against Dirksen, and (3) permitted Dirksen to sign his plea despite being under the influence of medication. Nothing in the record sheds light on these contentions. Dirksen's ineffective assistance of counsel claim cannot be resolved in this appeal. (*People v. Kelly* (2006) 40 Cal.4th 106, 126.)

We have reviewed the entire record and are satisfied that Dirksen's attorney fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.
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TANGEMAN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Bruce A. Young, Judge
Superior Court County of Ventura

Richard B. Lennon, under appointment by the Court
of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.